

**Notice of Allowability**

Application No.

10/509,424

Examiner

Cindy D. Khuu

Applicant(s)

GERBER ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/5/06.
2. ☒ The allowed claim(s) is/are 11-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Pertinent Art Cited*

The following US Patent Applications reveal the current state of the art:

Meier (US 4,480,771) teaches a method for operating a sliding closure for a metallurgical vessel (Fig. 3; Abstract, lines 1-9), the sliding closure including two tensionable closure plates (12 and 24) opposing one another (Fig. 4), with each of the two closure plates being slidably positioned (24) within a corresponding housing part (Fig. 4) and with spring elements (40) being provided for tensioning the closure plates (Column 8, lines 5-10)

However, Meier does not teach at least wherein one of the closure plates, along with its corresponding housing part, is slidable and can be moved into a closed or open position by a drive member, said method comprising:

performing an offline and/or an online diagnosis of an operating condition within an area of the closure plates, by measuring at least one of size, temperature, pressure and force associated with the sliding closure so as to obtain at least one measured value, and evaluating the at least one measured value either directly or together with additional relevant process parameters; and

based upon the diagnosis, one of

- (i) continuing use of the sliding closure, and
- (ii) discontinuing use of the sliding closure.

Mathiesen et al. (US 5,939,016) teach a method for operating a sliding closure for a metallurgical vessel (Fig. 3), the sliding closure including two closure plates (92 and 94) opposing one another (Fig. 3), with each of the two closure plates being slidably positioned (94) within a corresponding housing part (Fig. 3) and with spring elements (89 and 87) being provided for tensioning the closure plates (Column 9, lines 58-60).

Art Unit: 2863

However, Mathiesen does not teach at least wherein one of the closure plates, along with its corresponding housing part, is slidable and can be moved into a closed or open position by a drive member, said method comprising:

performing an offline and/or an online diagnosis of an operating condition within an area of the closure plates, by measuring at least one of size, temperature, pressure and force associated with the sliding closure so as to obtain at least one measured value, and evaluating the at least one measured value either directly or together with additional relevant process parameters; and

based upon the diagnosis, one of

- (i) continuing use of the sliding closure, and
- (ii) discontinuing use of the sliding closure.

***Allowable Subject Matter***

Claims 11-24 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 11 and 20 is the inclusion of the limitation "performing an offline and/or an online diagnosis of an operating condition within an area of the closure plates, by measuring at least one of size, temperature, pressure and force associated with the sliding closure so as to obtain at least one measured value, and evaluating the at least one measured value either directly or together with additional relevant process parameters". The prior art of record, taken alone or in combination, fails to disclose or render obvious.

Claims 12-19 and 21-24 are allowed due to their dependency on claims 11 and 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

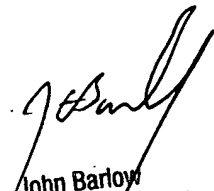
***Fax/Telephone Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khoo whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHK 9/19/06

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800